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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/670,119	06/25/1996	GORDON Y.K. NG	056365-5049	3008

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

08/670,119

Applicant(s)

NG ET AL.

Examiner

Zachary C. Howard

Art Unit

1646

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 25 August 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

zch

Continuation of 10. Other (including any explanation in support of the above items): The Appeal Brief contains the following errors:

1) Item 3, "Status of Claims" incorrectly indicates that "Claims 67 to 78 and 80 to 86 have been rejected under 35 U.S.C. 112 (first paragraph)". However, as indicated in the 6/6/2005 Advisory Action, only claims 67 to 78 and 81 to 86 have been rejected, and claim 80 is objected to.

2) Item 6 is incorrectly labeled "Issues to be Reviewed on Appeal". The Brief must have Item 6 labeled as "Grounds of Rejection to be reviewed on appeal".

3) The Brief does not contain the following required items:

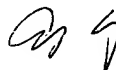
viii. Claims appendix

ix. Evidence appendix

x. Related proceedings appendix

Appellants have incorrectly included section "8. Conclusion" as Item 8, when Item 8 (viii) must be the Claims Appendix. It is noted that Appellants have provided a Claims Appendix attached separately to the Brief. However, the Claims Appendix must appear as Item 8 (viii). Items 9 and 10 (ix and x) listed above must be included, even if the subject matter included in the item is listed as "none".

It is regretted that these defects were not noted in the Notice of Defective Appeal Brief sent to Appellants on 7/25/05. However, Appellants are required to conform with the Rules of Practice before the Board of Patent Appeals and Interferences, 69 Fed. Reg. 49959 (August 12, 2004) (final rule), which became effective 9/13/04. Appellant is referred to 37 CFR § 41.37(c).


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